

CAUSE NO. 202210438

COPY OF PLEADING PROVIDED BY PLT

RECEIPT No. 959743 TR# 73975386

Plaintiff:
GERMANY, SHANEIKA
vs.
Defendant:
MOORE, JOSEPH MANUEL

In The 165th
Judicial District Court of
Harris County, Texas
201 CAROLINE
Houston, Texas

CITATION (NON-RESIDENT CORPORATE)

THE STATE OF TEXAS
County of Harris

To: KYZO TRANSPORTATION LLC (FOREIGN CORPORATION) MAY BE SERVED BY SERVING ITS REGISTERED AGENT IRENEE MOHAMED KYEDREBOGO
526 SPRINGFIELD AVE, NEWARK NJ 07103

Attached is a copy of: PLAINTIFF'S ORIGINAL PETITION

This instrument was filed on February 21, 2022 in the above cited cause number and court. The instrument attached describes the claim against you.

YOU HAVE BEEN SUED. You may employ an attorney. If you or your Attorney do not file a written answer with the District Clerk who issued this citation by 10:00 a.m. on the Monday next following the expiration date of 20 days after you were served this citation and petition, a default judgment may be taken against you. In addition to filing a written answer with the clerk, you may be required to make initial disclosures to the other parties of this suit. These disclosures generally must be made no later than 30 days after you file your answer with the clerk. Find out more at TexasLawHelp.org.

TO OFFICER SERVING:

This citation was issued on February 22, 2022, under my hand and seal of said court.

Issued at the request of:

Papapavlou, John
19333 HWY 59 N. SUITE 190
HUMBLE, TX 77338
281-968-9529
Bar Number: 24059061



Marilyn Burgess

Marilyn Burgess, District Clerk
Harris County, Texas
201 CAROLINE, Houston, TX 77002
(PO Box 4651, Houston, TX 77210)

Generated By: BRITTANY HALL

EXHIBIT

C

Tracking Number: 73975386

CAUSE NUMBER: 202210438

PLAINTIFF: GERMANY, SHANEIKA

vs.

DEFENDANT: MOORE, JOSEPH MANUEL

In the 165th
Judicial District Court of
Harris County, Texas

OFFICER - AUTHORIZED PERSON RETURN

Came to hand at _____ o'clock _____. M. on the _____ day of _____, 20_____. Executed at _____

(Address) _____ in _____

_____ County at o'clock _____. M. On the _____ day of _____, 20_____, by _____

Delivering to _____ defendant, in person, a true copy of this Citation together with the accompanying _____ copy(ies) of the Petition. Petition attached thereto and I endorsed on said copy of the Citation the date of delivery.

To certify which I affix my hand officially this _____ day of _____, 20_____.

Fees \$ _____

By _____
Affiant

Deputy

On this day, _____, known to me to be the person whose signature appears on the foregoing return, personally appeared. After being by me duly sworn, he/she stated that this citation was executed by him/her in the exact manner recited on the return.

SWORN TO AND SUBSCRIBED BEFORE ME, On this _____ day of _____, 20_____.

Notary Public

2022-10438 / Court: 165

CAUSE NO. _____

SHANEIKA GERMANY

v.

**JOSEPH MANUEL MOORE and
KYZO TRANSPORTATION LLC**

§ IN THE DISTRICT COURT

§

§

§ OF HARRIS COUNTY, TEXAS

§

§ ____ JUDICIAL DISTRICT

PLAINTIFF'S ORIGINAL PETITION

TO THE HONORABLE JUDGE OF SAID COURT:

NOW COMES SHANEIKA GERMANY, Plaintiff, complaining of **JOSEPH MANUEL MOORE and KYZO TRANSPORTATION LLC**, Defendants, and would show the Court and Jury as follows:

I.

DISCOVERY CONTROL PLAN

1. Plaintiff advises the Court and Defendants that this cause of action is governed by the rules for Expedited Actions under Texas Rules of Civil Procedure Rule 169. Discovery is intended to be conducted under level 1 of Rule 190.2 of the Texas Rules of Civil Procedure.

II.

STATEMENT OF MONETARY RELIEF SOUGHT

2. Plaintiff is seeking only monetary relief of \$250,000.00 or less, excluding interest, statutory or punitive damages and penalties, and attorney's fees and costs at this time. Plaintiff reserves the right to amend this damage calculation as discovery

progresses. Plaintiff makes this damage calculation at this time pursuant to Rule 47 of the Texas Rule of Civil Procedure. Damages sought are within the jurisdictional limits of the court.

III.
PARTIES

3. Plaintiff **SHANEIKA GERMANY** is an individual residing in Harris County, Texas, and may be reached through the undersigned attorney.
4. Defendant **JOSEPH MANUEL MOORE** is an individual residing at 205 2nd St., Newark, New Jersey 07107, and may be served with process therein or wherever Defendant may be found.
5. Defendant **KYZO TRANSPORTATION LLC** is Foreign Corporation. Service may be made upon Defendant KYZO TRANSPORTATION LLC by serving its registered agent, IRENEE MOHAMED KYEDREBEOGO, at 526 Springfield Ave., Newark, New Jersey 07103, or wherever the registered agent may be found.

IV.
JURISDICTION AND VENUE

6. The Court has subject-matter jurisdiction over this lawsuit because the amount in controversy exceeds this Court's minimum jurisdictional requirements.

7. Venue is proper in Harris County under Texas Civil Practice & Remedies Code section 15.002(a)(1) because all or a substantial part of the events or omissions giving rise to the claim occurred in Harris County.

V.

VICARIOUS LIABILITY AND RESPONDEAT SUPERIOR

8. Whenever it is alleged that the Defendant(s) did or failed to do anything in this petition, it is meant that the Defendant(s), acting by and through its agents, employees, principals and vice principals, acted or failed to act as alleged. Whenever it is alleged in this petition that any individual did or failed to do anything, it is meant that the individual acted or failed to act in the course and scope of his/her agency and/or employment with the named Defendant(s).

VI.

FACTS

9. Plaintiff would show that on or about January 25, 2022, Plaintiff was traveling on Eastwood St. in Houston, Harris County, Texas, when Defendant JOSEPH MANUEL MOORE, while driving a commercial vehicle during the course and scope of his employment with KYZO TRANSPORTATION LLC, suddenly and without warning, failed to maintain a safe following distance, failed to control the speed of his vehicle, and violently crashed into Plaintiff's vehicle. As a result of these events, Plaintiff suffered serious bodily injuries.

VII.

CAUSES OF ACTION

10. Plaintiff would show the Court that at the time and place of the collision hereinabove described, Defendant(s) was/were guilty of the following acts of negligence, to-wit:

- a) Failing to obey the traffic laws of the State of Texas.
- b) Failing to keep such lookout as a person of ordinary prudence would have kept under the same or similar circumstances.
- c) Failing to timely apply the brakes.
- d) Failing to take proper evasive action.
- e) Driver inattention.
- f) Failing to maintain a safe following distance.
- g) Failing to control speed.
- h) Negligent hiring, training, retention, control, and supervision of Defendant JOSEPH MANUEL MOORE by Defendant KYZO TRANSPORTATION LLC.
- i) Negligent entrustment by Defendant KYZO TRANSPORTATION LLC of Defendant JOSEPH MANUEL MOORE.

Each of these acts and omissions of Defendant(s), singularly or in combination with others, were negligence, and were each and all a proximate cause of the accident made the basis of this lawsuit and of the injuries and damages suffered by Plaintiff.

VIII.
DAMAGES

11. As a direct and proximate result of the accident and such negligence as listed above,

Plaintiff sustained and suffered damages as follows:

- a) Plaintiff has incurred reasonable and necessary medical expenses and in all reasonable probability such medical expenses will continue in the future;
- b) Plaintiff has experienced mental anguish in the past as a result of physical injuries and, in all reasonable probability, will sustain mental anguish in the future as a result of these physical injuries;
- c) Plaintiff has experienced physical pain and suffering in the past as a result of injuries, and in all reasonable probability, will continue to sustain physical pain and suffering in the future as a result of these injuries;
- d) Plaintiff has experienced physical impairment or physical incapacity in the past as a result of this incident and, in all reasonable probability, will continue to experience physical impairment in the future;
- e) Plaintiff has experienced lost wages in the past as a result of this incident and, in all reasonable probability, will suffer loss of earning capacity in the future;
- f) Plaintiff has incurred damages to her vehicle, the loss of use of her vehicle, and/or diminution of value to her vehicle.

12. Plaintiff pleads for pre- and post judgment interest at the maximum legal allowable rate.

IX.
INITIAL DISCLOSURES

13. Pursuant to Rule 194.1(a) of the Texas Rules of Civil Procedure, Defendant(s) must disclose, within thirty days of filing an answer or general appearance, the information and materials described in Texas Rules of Civil Procedure 194.2, 194.3, and 194.4.

X.
PRAYER

WHEREFORE, PREMISES CONSIDERED, Plaintiff prays that Defendants be cited to appear and answer herein and, that upon final trial, Plaintiff has judgment against Defendants for all damages proved, jointly and severally, all of which are within the jurisdictional limits of this Court, for costs of court, for prejudgment interest in accordance with the law and for interest on the judgment until the time the judgment is paid, and for such other and further relief to which Plaintiff may show herself to be justly entitled.

Respectfully submitted,

PM LAW FIRM

/s/ John Papapavlou _____

John Papapavlou

Texas Bar No. 24059061

Porya Mostaghimi

Texas Bar No. 24065797

19333 Highway 59 N., Ste. 190

Humble, Texas 77338

Tel. (281) 968-9529

Fax (281) 520-4246

Email: john@pmtxlaw.com

Email: porya@pmtxlaw.com

ATTORNEYS FOR PLAINTIFF